

Customer No.: 31561
Application No.: 10/709,894
Docket No.: 12689-US-PA

REMARKS

Present Status of the Application

The Office Action rejected claims 1, 2, 4 and 9 under 35 U.S.C. 102(b) as being anticipated by Mills (US 005915225A; hereinafter "Mills"). The Office Action also rejected claims 5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Rogers et al. (US 6,301,484; hereinafter "Rogers"). The Office Action also rejected claims 3 and 8 under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Kim (US 6,810,262; hereinafter "Kim"). The Office Action also rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Mills in view of what was well-known in the art.

Applicant has amended claim 1 to more clearly define the present invention. After entry of the foregoing amendments, claims 1-9 remain pending in the present invention, and reconsideration of those claims is respectfully requested.

Claim Rejections 35 U.S.C. 102

Claims 1, 2, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mills. In response to the rejection thereto, Applicant respectfully traverses the rejections of claims 1, 2, 4 and 9 because Mills does not teach every element recited in these claims.

As well defined in the MPEP 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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With respect to claim 1, as currently amended, recites:

A method of remotely managing a mobile communication device, comprising:
providing at least a short message, including an application program;
sending said application program to said mobile communication device; and
running said application program on said mobile communication device to
determine a position of said mobile communication device. (Emphasis added)

Applicant submits that Mills fails to teach, suggest or disclose the features of
“running said application program on said mobile communication device to determine a
position of said mobile communication device” as set forth in claim 1. The position of
the mobile communication device of the present application is determined by after
running the application program on the mobile communication device, but the mobile
station’s current location in Mills is determined by the HLR 60 within the PLMN network
50. More specifically, as the mobile station 20 travels from one MSC (mobile switching
center) area to another, the HLR 60 receives location update signals and thereby keeps a
record of the mobile station’s current location. It is obvious that the mobile station’s
current location in Mills is not obtained from after the mobile station performing the
entered character data or the USSD message encapsulating the character data. Thus, Mills
does not anticipate claim 1, and applicant respectfully submits the rejection should be
withdrawn. In addition, dependent claims 2, 4 and 9 are not anticipated by Mills either
and the rejections set forth thereon should be withdrawn.

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Claim Rejections 35 U.S.C. 103

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Rogers. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Kim. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of what was well-known in the art.

In response to the rejections thereto, Applicant has amended independent claim 1, and hereby otherwise traverse these rejections. The currently amended claim 1 is fully supported by the disclosure, i.e., paragraph [0018]. As such, applicant submits that the present invention, as set forth in claims 3 and 5-8 are novel and unobvious over Mills, Rogers, Kim, what was well-known in the art or any of the other cited references, taken alone or in combination, and thus should be allowable.

With respect to claim 1, as currently amended, recites:

A method of remotely managing a mobile communication device, comprising:
providing at least a short message, including an application program;
sending said application program to said mobile communication device; and
running said application program on said mobile communication device to
determine a position of said mobile communication device. (Emphasis added)

For at least the foregoing reasons, applicant submits that the claimed limitation of “running said application program on said mobile communication device **to determine a position of said mobile communication device**” is neither taught, suggested, nor disclosed by Mills, Rogers, Kim, what was well-known in the art or any of the other cited

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references, taken alone or in combination, and thus should be allowable.

Accordingly, Applicant submits that independent claim 1, as currently amended, and its dependent claims 3 and 5-8 are novel and unobvious over Mills, Rogers, Kim, what was well-known in the art or any of the other cited references, taken alone or in combination, and thus should be allowable.

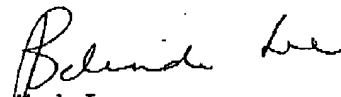
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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-9 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,


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